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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

CODE OF FAIR COMPETITION SERIES—CODE No. 10

CODE OF FAIR COMPETITION  
FOR THE  
ANTI-HOG-CHOLERA SERUM  
AND HOG-CHOLERA VIRUS INDUSTRY

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Approved by the President of the United States  
March 6, 1934

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1. Executive Order
2. Letter of Transmittal (Secretary of Agriculture)
3. Letter of Transmittal (Administrator N.R.A.)
4. Code



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON 1934



## EXECUTIVE ORDER

### Approval of Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry

*Whereas*, the Secretary of Agriculture and the Administrator of the National Industrial Recovery Act having rendered their separate reports and recommendations and findings on the provisions of said Code, coming within their respective jurisdictions, as set forth in the Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, Executive Order No. 6345 of October 20, 1933, and Executive Order No. 6551 of January 8, 1934.

*Now, therefore*, I, FRANKLIN D. ROOSEVELT, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby find that:

1. An application has been duly made, pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a code of fair competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry; and,

2. Due notice and opportunity for hearings to interested parties has been given pursuant to the provisions of the Act and regulations thereunder; and,

3. Hearings have been held upon said Code, pursuant to such notice and pursuant to the pertinent provisions of the Act and regulations thereunder; and,

4. Said Code of Fair Competition constitutes a code of fair competition, as contemplated by the Act and complies in all respects with the pertinent provisions of the Act, including clauses (1) and (2) of subsection (a) of section 3 of title I of the Act; and

5. It appears, after due consideration, that said Code of Fair Competition will tend to effectuate the policy of Congress as declared in section 1 of title I of the Act.

*Now, therefore*, I, FRANKLIN D. ROOSEVELT, President of the United States, pursuant to the authority vested in me by title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do hereby approve said Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry.



*President of the United States.*

THE WHITE HOUSE,  
March 6, 1934.

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

### LETTER OF TRANSMITTAL

MARCH 5, 1934.

The PRESIDENT,  
*The White House.*

DEAR MR. PRESIDENT: I have the honor to submit the following:

1. There is transmitted herewith a Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry, which I recommend for your approval and which the National Recovery Administrator recommends for your approval with reference to the labor provisions thereof. There accompanies the Code the report of the Administrator of the Agricultural Adjustment Act, the report of the Administrator of title I of the National Industrial Recovery Act, and a true, correct, and complete stenographic report of all the evidence introduced at a public hearing on said Code, held pursuant to section 3 (a), title I of the National Industrial Recovery Act.

2. By virtue of Executive Order No. 6182, of June 26, 1933, as supplemented by Executive Order No. 6207, of July 21, 1933, Executive Order No. 6345, of October 20, 1933, and Executive Order No. 6551, of January 8, 1934, which, pursuant to title I of the National Industrial Recovery Act of June 16, 1933 (Public, No. 67, 73d Cong.), delegated to me, as Secretary of Agriculture, certain of the powers vested in the President of the United States by the aforesaid Act, and after considering the aforesaid Code of Fair Competition and a true, correct, and complete stenographic report of all evidence introduced at such public hearing, and being fully advised in the premises, I make the following findings:

(1) That an application has been duly made by a committee chosen by the industry pursuant to and in full compliance with the provisions of title I of the National Industrial Recovery Act, approved June 16, 1933, for the approval of the President, of the Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry. Said Committee and the advisory body provided for in such Code, are truly representative of the industry.

(2) That the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry, covered by such Code, is included within the trades, industries, or subdivisions thereof enumerated in Executive Order No. 6182 of June 26, 1933, as supplemented by Executive Order No. 6207 of July 21, 1933, Executive Order No. 6345 of October 20, 1933, and Executive Order No. 6551 of January 8, 1934.

(3) That the provisions of the Code establishing standards of fair competition (a) are regulations of transactions in or affecting the current of interstate and foreign commerce and (b) are reasonable.

(4) That the Code is not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them and will not permit monopolies or monopolistic practices.

(5) That the Code will not prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof nor prevent anyone from marketing or trading the produce of his farm.

(6) That due notice and opportunity for hearing, in connection with the aforesaid Code, has been afforded interested parties, in accordance with title I of the National Industrial Recovery Act and applicable regulations issued thereunder.

(7) That said Code will tend to effectuate the declared policy of title I of the National Industrial Recovery Act as set forth in section 1 of said Act in that the terms and provisions of such Code tend: (a) to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; (b) to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups; (c) to eliminate unfair competitive practices; (d) to promote the fullest possible utilization of the present productive capacity of industries; (e) to avoid undue restriction of production (except as may be temporarily required); (f) to increase the consumption of industrial and agricultural products by increasing purchasing power; and (g) otherwise to rehabilitate industry and to conserve natural resources.

(8) That said Code, when approved by the President, will constitute a Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry within the meaning of section 3 (a) of title I of the National Industrial Recovery Act.

3. This is a code relating to a first processor and comes within section II of Executive Order No. 6551, dated January 8, 1934; as a consequence there are certain subject matters (including the fixing of prices) which I was at liberty to exclude from this Code and to deal with exclusively, if at all, under a marketing agreement pursuant to the Agricultural Adjustment Act. In spite of that fact there were included in this Code provisions relating to the fixing of prices. This was done because the industry had been much delayed in procuring its code and was most desirous of avoiding the delay incident to procuring a marketing agreement under the Agricultural Adjustment Act, to be executed simultaneously with the promulgation of the code. Accordingly, the representatives of the industry who presented the Code, in order to avoid delay, agreed that because the price provisions were to be retained in the Code, there should also be included the provisions of article V, section 2.

4. Inasmuch as the consumers of the product of this industry consist almost entirely of farmers and the industry is already licensed by the Department of Agriculture under existing law, I will undertake to see that the workings out of the price provisions are carefully watched. If, upon observation, they prove unsatisfactory, I may want to request you to modify those provisions or issue an order canceling them.

5. I also call the foregoing to your attention so that you will understand that the inclusion of these price clauses in this particular Code, the makings of which will be most carefully observed, will not serve to indicate that I believe that such or similar clauses should ordinarily be inserted in the codes which are referred to me by the terms of Executive Order No. 6551.

Respectfully,

A handwritten signature in cursive script, appearing to read "W. P. Siegf".

*Acting Secretary.*



## NATIONAL RECOVERY ADMINISTRATION

### LETTER OF TRANSMITTAL

The PRESIDENT,  
*The White House.*

SIR: This is the report of the Administrator on the public hearing of the labor provisions of a Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry, conducted on October 27, in accordance with the provisions of the National Industrial Recovery Act and the Executive order dated June 26, 1933.

### GENERAL

The functions of this industry include the production, sale, and distribution of Anti-Hog-Cholera Serum and Hog-Cholera Virus manufactured in licensed establishments throughout the United States under the supervision of the Bureau of Animal Industry of the Department of Agriculture.

The Code committee representing this industry went on record at the formal hearing as having letters of authority and proper instructions to represent 41 of the 46 licensed establishments manufacturing anti-hog-cholera serum and hog-cholera virus in the United States during the 1933 season, or 89.1 percent of the plants. The testimony offered showed that these plants manufactured 93.6 percent, by volume, of the total serum manufactured in the United States last year.

The anti-hog-cholera serum and hog-cholera virus industry estimated employment prior to the President's Reemployment Agreement at an average of between 1,200 to 1,500 employees, the variance of these figures being based upon seasonal production. The amount of people employed in this industry varies according to the demand for serum and virus as a result of the production of pigs at the seasonal period.

### PROVISIONS AS TO HOURS

A questionnaire sent out by the Code committee of the industry to 22 plants showed that the hourly provisions in this Code mean a 12-percent increase in employment over the employment prior to the President's Reemployment Agreement.

1. All labor, clerical and otherwise, is placed on a basis of 40 hours per week averaged over a 2-week period not to exceed 48 hours in any 1 week or 8 hours in any 1 day, with exceptions as follows:

2. Watchmen are limited to 56 hours per week.

3. Shipping clerks at main offices and/or production plants, chauffeurs and deliverymen are limited to 45 hours per week.

4. Shipping clerks at points of distribution other than main offices and/or production plants are unlimited.

5. Persons employed exclusively as shipping clerks at production plants operated by companies having no other distribution point are unlimited.

The unlimited hourly provisions of sections 4 and 5 above are necessary in order to take care of emergency requests from farmers and emergency mail orders. The hourly limitations of employees working in this industry may be temporarily suspended during outbreaks of hog cholera on order of the Authority subject to such conditions as may be approved by the Administrator.

#### PROVISIONS AS TO WAGES

1. Office employees are placed on a \$16 per week basis.
2. All other employees in this industry shall be paid on the basis of not less than 40 cents per hour.
3. Male and female employees doing or performing substantially the same work shall receive the same rates of pay.
4. The minimum rates of pay are guaranteed under this Code, regardless of whether the employee is compensated on the basis of time-rate or piecework performance.
5. The Code provides that employees shall not be paid a lesser wage for a work week of 40 hours than such employee was receiving for the same class of work for the longer week prevailing prior to the effective date of this Code.
6. No geographical differentials are written in this Code. This Code provides for the posting of the labor provisions in conspicuous places of easy and continuous access to the employees.
7. This Code prohibits the employment of any persons under 16 years of age and under 18 years of age at occupations hazardous and/or detrimental to health.

Due to an emergency situation in the industry, caused by the purchase by the Government and the slaughtering of 6,000,000 pigs, which did eliminate a very considerable demand for serum for the autumn months of this year, figures for hourly wage increases submitted show as follows: 25 percent for the unskilled and 12 percent for the office employees and 5 percent for the skilled workers in the minimums. Similar substantial increases in the averages show as follows: 12 percent for office employees, 25 percent for unskilled labor, and approximately 14 percent for skilled labor.

#### COMPLIANCE WITH MANDATORY PROVISIONS

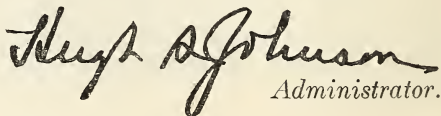
The Administrator finds that:

(a) The Code as recommended complies in all respects and without limitation to the provisions of—

Subsection (a) of section 7 and subsection (b) of section 10 of the National Industrial Recovery Act.

Accordingly, I recommend the approval of the Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry to the extent of my jurisdiction as stated in your Executive order of June 26, 1933.

Respectfully yours,

  
Administrator.

MARCH 3, 1934.

# CODE OF FAIR COMPETITION FOR THE ANTI-HOG- CHOLERA SERUM AND HOG-CHOLERA VIRUS INDUSTRY

## ARTICLE I—PURPOSES

To effect the policies of title I of the National Industrial Recovery Act, this Code is established as a Code of Fair Competition for the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry, and its provisions shall be the standards of fair competition for such industry, and shall be binding upon every member thereof.

## ARTICLE II—DEFINITIONS

SECTION 1. As used in this Code—

(a) The term "President" means the President of the United States.

(b) The terms "Act", "Secretary", and "Administrator" as used herein mean respectively title I of the National Industrial Recovery Act, the Secretary of Agriculture, or his duly appointed agent, and the Administrator for Industrial Recovery, or his duly appointed agent.

(c) The term "person" means individual, partnership, corporation, association, and any other business unit.

(d) The "Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry" means and includes the business of the production, sale, and distribution, by producers thereof, of anti-hog-cholera serum and hog-cholera virus.

(e) "Serum" and "virus" mean anti-hog-cholera serum and hog-cholera virus, respectively, products used in the immunization of swine against hog cholera, manufactured and marketed in compliance with standards and regulations, promulgated by the United States Department of Agriculture, and serum and virus manufactured in a similar manner and for an identical purpose under license or authority of any State or otherwise, and for sale in the general market.

(f) The term "employee" means any person engaged in the industry in any capacity and receiving compensation for his services, irrespective of the nature or method of payment of such compensation.

(g) "Watchman" means only employees whose primary function is watching the premises and property of the establishment.

(h) "Outside salesmen" means any salesman whose principal function is selling and not delivering.

(i) The term "employer" means any person by whom any such employee is compensated or employed.

(j) The term "producer" means any person or business unit producing serum and virus and distributing the same in interstate commerce, whether or not under license of the United States Department of Agriculture, and all other persons or business units engaged in the production and distribution of serum and virus for profit.

(k) "Authority" means the Serum Code Authority, Inc., defined and created under the provisions of section 1 of article VI hereof.

(l) The term "State" means a State of the United States and/or a Territory thereof, and/or the District of Columbia.

(m) The term "books and records" means any books, records, accounts, contracts, documents, memoranda, papers, correspondence, or other written data pertaining to the business of the person in question.

(n) The term "subsidiary" means any person, of or over whom, a member of the industry has, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

(o) The term "affiliate" means any person who has, either directly or indirectly, actual or legal control of or over a member of the industry, whether by stock ownership or in any other manner.

### ARTICLE III—LABOR PROVISIONS

#### GENERAL

SECTION 1. On and after the effective date of this Code, no employer shall employ any person under 16 years of age, nor any person under 18 years of age at operations and/or occupations deemed to be hazardous and/or detrimental to health. The Authority shall submit to the Administrator for approval before April 1, 1934, a list of such occupations.

(a) In any State an employer shall be deemed to have complied with this provision if he shall have on file a certificate duly issued by an authority empowered to issue employment certificates, showing that the employee is of the required age.

SEC. 2. No provisions of this Code shall supersede any State or Federal law which imposes more stringent requirements on employers as to age of employees, wages, hours of work, or as to safety, health, sanitary, or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SEC. 3. (a) Employees shall have the right to organize and bargain collectively, through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor or their agents in the designation of such representatives, or in self-organization or in other concerted activities for the purpose of collective bargaining, or other mutual aid or protection.

(b) No employee and no one seeking employment shall be required as a condition of employment to join any company union, or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(c) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

SEC. 4. *Posting.*—(a) Each employer shall post in a conspicuous place of easy and continuous access to employees, the article dealing with hours, wages, and general labor provisions of this Code.

(b) The notice shall be printed in English in type of at least 10 points, and at least 3 notices shall be posted in each plant employing more than 10 employees, and 1 in each smaller plant. Notices shall be posted in such other languages as may be necessary to be understood by all employees.



(c) All changes in the provisions of these aforesaid articles shall be posted within 1 week after such changes have been incorporated in the Code.

SEC. 5. *Hours*.—(a) No employee shall be permitted to work in excess of 40 hours per week averaged over a 2-week period, nor in excess of 48 hours in any 1 week, or 8 hours in any 1 day, with the following exceptions:

1. Executive, supervisory, technical, as defined by the Authority with the approval of the Administrator, and administrative employees, provided that they regularly receive not less than \$35 per week, and outside salesmen.

2. Watchmen, provided, however, that they shall not work more than 56 hours per week.

3. Shipping clerks at main offices and/or production plants, chauffeurs, and deliverymen, provided, however, that they shall not work more than 45 hours per week.

4. Shipping clerks at points of distribution other than main offices and/or production plants.

5. Persons employed exclusively as shipping clerks at production plants operated by companies having no other distribution point.

SEC. 6. The provisions of section 5 of this article may be temporarily suspended during outbreaks of hog cholera on order of the Authority, subject to such conditions as may be approved by the Administrator.

SEC. 7. *Wages*.—(a) No clerical, accounting, or other office employee shall be paid at a rate of less than \$16 per week.

(b) No employee other than those covered in paragraph (a) of this section shall be paid at a rate less than 40 cents per hour.

(c) This Code guarantees a minimum rate of pay regardless of whether the employee is compensated on the basis of time rate or piece-work performance.

(d) In no event shall an employee be paid a less wage for a work-week of 40 hours than such employee was receiving for the same class of work for the longer week prevailing prior to the effective date of this Code.

(e) After the effective date of this Code, no employer shall withhold wages longer than the regularly established pay day, except upon written order of the employee.

(f) Male and female employees doing or performing substantially the same work shall receive the same rate of pay.

(g) No employee now employed at a rate in excess of the minimum shall, for the purpose of evading the provisions of this Code, be discharged, or discharged and reemployed at a lower rate.

(h) Employers shall not reclassify employees or duties of occupations performed by employees, or change the method of payment of their compensation, for the purpose of evading the purposes of the Act or the provisions of this Code.

#### ARTICLE IV—UNFAIR METHODS OF COMPETITION

The following practices constitute unfair methods of competition and are prohibited:

SECTION 1. (a) To sell or offer for sale serum and/or virus at prices below, or upon terms or discounts differing from those found in the price lists currently filed with the Authority.

(b) Each producer shall at all times keep on file with the Authority his current price list, which shall include all his prices, terms, and discounts to all classes of the trade. Any change in any price list shall not become effective until 5 days after the filing of such change with the Authority, or such shorter period as may be fixed by it. The Authority shall send copies of all price lists to the Secretary and to all members of the industry immediately upon receipt thereof.

SEC. 2. To engage in destructive price cutting. If the Authority finds that any price list filed with it indicates destructive price cutting, which would prevent in this industry the effectuation of the declared policy of the Act, the Authority may declare the price lists in whole or in part to be ineffective and so notify the producer filing such price list and the Secretary. Any such finding by the Authority shall be subject to an appeal to the Secretary. Pending the outcome of such appeal, the appellant shall abide by the decision of the Authority, unless the Secretary otherwise determines. On appeal the burden of proof shall be upon the Authority to prove that said posted price list declared ineffective would in fact constitute destructive price cutting. The Secretary's determination of the appeal shall be final and conclusive.

SEC. 3. If the Secretary finds that any price list or lists, in whole or in part, so posted for any serum and/or virus are oppressive or inequitable to the consumer, he may report such facts to the Code Authority, recommending changes which are equitable in the circumstances. If after 10 days following such recommendation any such price list or lists remain unchanged, the Secretary may then declare such price list ineffective.

SEC. 4. To give or accept rebates, refunds, allowances, discounts, gratuities, or concessions in any form which are not shown in lists filed with the Authority. The Authority shall have the power to decide whether any practice is a violation of this section and to notify all producers of its rulings, provided that the name of the producers involved shall not be made public.

SEC. 5. Maliciously to entice away the employees of competitors with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their business.

SEC. 6. To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations or the false disparagement of the grade or quality of their goods with the tendency and capacity to mislead or deceive purchasers or prospective purchasers.

SEC. 7. To sell or offer to sell any product of the industry by any false means or device which has the tendency and capacity to mislead or deceive customers or prospective customers as to origin, quality, quantity, or substance of such product.

SEC. 8. To replace out-dated virus without charge to purchasers unless such virus had less than 30 days' expiration date at the time of original shipment and/or supplying serum or virus for revaccination without charge.

SEC. 9. To guarantee any purchaser against loss by reason of advances in price or to protect any purchaser from loss by reason of decline in price.

SEC. 10. To give advance notice of price changes.

SEC. 11. To store for subsequent delivery serum and/or virus sold to any purchaser, except at charges fixed by the Authority.

SEC. 12. To show on orders and invoices except when otherwise required by law any sales, excise, privilege, or other tax, freight surcharge or charge imposed upon or incident to said transaction or by reason thereof, by any Governmental authority, either by present or future enactment, and, except where otherwise required by law, no such tax, surcharge, or charge shall be deductible from invoice by buyer in making remittance.

SEC. 13. For invoices to show inaccurately the terms of sale, quantities and/or the price of each item.

SEC. 14. To sell serum and/or virus upon consignment.

SEC. 15. To sell other products at less than reasonable market value thereof for the purpose or with the effect of influencing sales of serum and/or virus.

SEC. 16. To make any sales to wholesalers or dealers except in accordance with the terms of the uniform sales contract if and when such contract is adopted as hereinafter provided.

#### ARTICLE V—BOOKS, RECORDS, AND REPORTS

SECTION 1. The members of the industry shall severally keep books and records which will clearly reflect all financial transactions of their respective businesses and the financial condition thereof, and shall undertake that their respective subsidiaries and affiliates keep such records.

SEC. 2. Members of the industry shall severally, from time to time, upon the request of the Secretary and/or the Administrator, furnish such information, on and in accordance with forms of records to be supplied, as may be deemed necessary, such reports to be verified under oath. For the purpose of (1) assisting in the furtherance of the powers and duties of the Secretary with respect to this Code and/or (2) enabling the Secretary to ascertain and determine the extent to which the declared policy of the Act and the purposes of this Code are being effectuated, and/or to enable the Secretary to verify the information furnished to him on and in accordance with the forms of reports referred to herein, the Secretary may examine all the books and records of the producers and/or their affiliates and subsidiaries during the usual hours of business. The Secretary's determination as to the necessity of and justification for any such examination shall be final and conclusive. All information furnished the Secretary pursuant to this Article shall remain confidential in accordance with the applicable General Regulations, Agricultural Adjustment Administration. Such examinations of books and records on behalf of the Secretary shall be by the members of the auditing staff of the Agricultural Adjustment Administration.

SEC. 3. Upon the request of the Authority, the producers shall make such sworn or unsworn reports to the managing agent as may be pertinent or necessary to the fulfillment of the purposes of this Code.

Except as may be necessary in the investigation of an alleged breach of the terms of this Code, the managing agent shall not disclose to anyone other than the Secretary the details of such reports: *Provided, however,* That totals or subtotals of reported data may be



submitted to the Authority in such form as will not disclose the production, sales, or other experience of an individual producer.

## ARTICLE VI—ORGANIZATION, POWERS, AND DUTIES OF THE CODE AUTHORITY

SECTION 1. *Code Authority.*—(a) A Code Authority to be known as Serum Code Authority, Inc., shall be established for the purpose of assisting in the administration, supervision, and promotion of the performance of the provisions of this Code. Said organization shall be a body incorporated not for profit. Except as the jurisdiction of the Secretary and the Administrator may hereafter be changed pursuant to order of the President, the Authority shall assist the Administrator in all matters relating to the administration of provisions in this Code relating to hours of labor, rates of pay, and other conditions of employment and shall assist the Secretary in all matters relating to the administration of all the other provisions of this Code.

(b) The Authority shall consist of 10 to 14 members and shall be constituted forthwith upon the approval of this Code, in the following manner:

1. Of the persons comprising the above-mentioned Authority, 5 shall be elected separately by producers marketing their products principally through veterinarians, and 5 shall be elected separately by producers marketing their products principally through other channels, and the representatives of the two classes of producers shall be continued on said authority in the same proportion. Members shall be elected to serve for term of 1 year, and the method of election shall be subject to the approval of the Secretary and the Administrator.

2. In addition to membership as above provided, the Secretary and the Administrator may each appoint not more than two members or representatives without vote, to serve for such terms as they may specify. At least one of these members so appointed by the Secretary shall represent the interests of consumers and distributors who are not producers.

(c) Each trade or industrial association directly or indirectly participating in the selection or activities of the Authority shall (1) impose no inequitable restrictions upon membership, and (2) submit to the Secretary and the Administrator true copies of its articles of association, bylaws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Secretary or the Administrator may deem necessary to effectuate the purposes of the Act.

(d) In order that the Authority shall at all times be truly representative of the industry and in other respects comply with the provisions of the Act, the Secretary or the Administrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification in the method of selection of the Authority, or take such other action as the evidence adduced at the hearing may warrant.

(e) Nothing contained in this Code shall constitute the members of the Authority partners for any purpose. Nor shall any member of the Authority be liable in any manner to anyone for any act of any



other member, officer, agent, or employee of the Authority. Nor shall any member of the Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or nonfeasance.

(f) If the Secretary or the Administrator shall determine as to matters subject to their respective jurisdiction that any action of the Authority or any agency thereof may be unfair, or unjust, or contrary to the public interest, the Secretary, or the Administrator as the case may be, may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Authority or agency pending final action, which shall not be effective unless the Secretary or the Administrator approves, or unless he shall fail to disapprove after 30 days' notice, to him of intention to proceed with such action in its original or modified form.

SEC. 2. *Powers and duties.*—

(a) The Authority shall adopt bylaws and rules and regulations for its procedure and for the administration and enforcement of the provisions of this Code, and shall file with the Secretary and the Administrator copies of such bylaws, rules and regulations, and amendments thereto.

(b) *Expenses.*—The Authority is authorized to incur such expenses and to make such expenditures as may be necessary for the maintenance of this Code, and to deposit and to disburse all moneys collected in the name of one of the members designated as Treasurer, who shall furnish bond in an amount satisfactory to the Authority. The Authority shall raise funds which shall not be in excess of \$15,000 annually, exclusive of necessary traveling expenses, except that if it is found that an additional amount is necessary for the maintenance of this Code, such amount may be raised upon approval of 75 percent of the producers and after approval of the Secretary and the Administrator. The members of the Authority shall serve without compensation, but shall be entitled to expenses necessarily incurred in the performance of their duties hereunder.

Every member of the industry, subject to the jurisdiction of this Code, shall pay to the Authority his pro rata share of all the expenses incurred in the maintenance and functioning of the Authority and its activities, and shall make payment upon due notice from the Authority of his share of such expenses, and after opportunity for hearing to any party dissatisfied with the amount of his assessment. Said proportionate share shall be based upon volume of sales or amount of production, as the Authority may prescribe.

The Authority shall have power to institute legal proceedings in its own name, and to take any other steps which may be necessary to collect such assessments.

(c) In all matters relating to the administration of the provisions of this Code, except those relating to hours of labor, rates of pay, and other conditions of employment (except as the jurisdiction of the Secretary and the Administrator may hereafter be changed pursuant to order of the President) the Authority shall have the following further powers and duties, the exercise of which shall be reported to the Secretary:

1. The Authority may appoint a managing agent who shall not be connected with any producer, either directly or indirectly, who

shall serve as an employee of the Authority under such terms and conditions as it may determine.

2. The Authority, with the approval of the Secretary, shall enumerate and define the various trade groups, including inter alia, wholesalers and dealers, and shall, with the approval of the Secretary, determine in specific cases whether any trade group comes within the definitions so made.

3. The Authority shall be charged with the investigation, reporting, and recommendation concerning any of such provisions of the Code and/or violations thereof, and may be further charged with other powers and duties as may be lawfully delegated to it by the Secretary.

4. The producers, the managing agent, and the Authority, shall use their best efforts to assure the observance of such conditions of this Code. Any violations thereof which shall come to the knowledge of any producer shall immediately be communicated to the Authority by a written statement containing said charged violation and all available substantiating evidence.

5. It shall be the duty of the Authority to investigate such charges and any other charges which shall come to the knowledge of the Authority through any other reliable source. The Authority shall investigate by calling upon the producer whose transactions are under investigation and shall secure a statement under oath from such producer. After investigation, the Authority may warn the alleged violator and may report said violation to the Secretary.

6. Upon the finding by the Authority that the charges are based on fact, it shall then be the duty of the Authority to request the Secretary to take such action as he deems necessary.

7. The Secretary may at any time investigate the Authority and the Authority shall furnish to the Secretary any of the information he may request to facilitate the investigation.

8. For the purpose of establishing uniform accounting practices, the Authority shall, subject to the approval of the Secretary, define and enumerate the fundamental factors of cost in this industry.

9. In the event of a controversy as to the valuation of any asset for accounting purposes the authority may, at its expense, designate, subject to the approval of the Secretary, a suitable appraisal agency to fix and determine the value of such asset in dispute and the conclusions reported by such agency shall be binding for accounting purposes, subject to the right of appeal to the Secretary in accordance with such rules as may be designated by him.

10. The Authority shall, subject to the approval of the Secretary, prescribe rules for the uniform and fair determination of credit losses and other losses and the uniform and fair calculation of gains in value of inventories and other assets.

11. Any interested party shall have the right of appeal to the Secretary, under such rules and regulations as he shall prescribe in respect to any decision, rule, regulation, order, or finding, made by the Authority.

12. The Authority shall formulate and adopt a uniform sales contract for the industry which shall be subject to the disapproval of the Secretary. All sales of serum and/or virus to wholesalers or dealers shall be made in accordance with the terms of such contract.

(d) In all matters relating to the administration of the provisions of this Code relating to hours of labor, rates of pay, and other condi-

tions of employment (except as the jurisdiction of the Secretary and the Administrator may hereafter be changed pursuant to the order of the President) the Authority will have the following duties, the exercise of which shall be reported to the Administrator:

1. To insure the execution of such provisions of this Code and provide for the compliance of the industry with the provisions of the Act.

2. To obtain from members of the industry such information and reports as are required for the administration of such provisions of the Code and to provide for submission by members of such information and reports as the Administrator may deem necessary for the purposes recited in section 3 (a) of the Act, which information and reports shall be submitted by members to such administrative and/or government agencies as the Administrator may designate; provided that nothing in this Code shall relieve any member of the industry of any existing obligation to furnish reports to any government agency. The Authority shall not disclose to anyone other than the Administrator or his representative the details of such reports: *Provided, however,* That totals or subtotals of reported data may be submitted to the industry in such form as will not disclose the production, sales, or other experience of an individual producer.

3. To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein, provided that nothing herein shall relieve the Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

4. To make recommendations to the Administrator for the coordination of the administration of this Code with such other codes, if any, as may be related to the industry.

5. To cooperate with the Administrator in regulating the use of any N.R.A. insignia solely by those members of the industry who have assented to, and are complying with, this Code.

#### ARTICLE VII—EMERGENCY RESERVE

Each producer shall have available on May 1 of each year a supply of completed serum equivalent to at least 40 percent of his previous year's sales.

#### ARTICLE VIII—PRICE ADJUSTMENT

To safeguard the interest of the producers of swine and to stabilize the Anti-Hog-Cholera Serum and Hog-Cholera Virus Industry, upon the approval of this Code the Authority shall establish a committee to study the feasibility and desirability of arriving at an automatically determinable schedule of prices for serum and virus based on the changing prices of pigs and hogs. Said committee shall report to the industry and to the Secretary within three months from the time of its appointment.

#### ARTICLE IX—COOPERATIVE ASSOCIATIONS

SECTION 1. Nothing in this Code shall be so construed or applied as to prohibit the payment of patronage dividends in accordance with law to any member by any bona fide and legitimate cooperative organization, including any farmers' cooperative, duly organized



under the laws of any State, Territory, or the District of Columbia, or of the United States, if such patronage dividends are paid out of actual earnings of such cooperative organization and are not paid at the time when such member makes a purchase from such cooperative organization.

#### ARTICLE X—MONOPOLIES

SECTION 1. Nothing herein shall be construed to promote monopolies or to eliminate, oppress, or discriminate against small enterprises.

#### ARTICLE XI—DURATION OF IMMUNITIES

SECTION 1. The benefits, privileges, and immunities conferred by this Code shall cease upon its termination except with respect to acts done prior thereto.

SEC. 2. Any exemptions from the antitrust laws and/or any validation of any acts or things which would otherwise have been unlawful, which may result from the execution of this Code by the President, shall not extend or be construed to extend further than is absolutely necessary for the purposes of carrying out the provisions of this Code.

#### ARTICLE XII—AGENTS

SECTION 1. The Secretary and the Administrator may each, by designation in writing, name any person, including any officer or employee of the Government, to act as his agent in connection with his respective powers and duties under any provision of this Code.

#### ARTICLE XIII—MODIFICATION

SECTION 1. This Code and all the provisions thereof, are expressly made subject to the right of the President, in accordance with the provisions of section 10 (b) of the Act, from time to time, to cancel or modify any order, approval, license, rule, or regulation issued under the Act, and specifically, but without limitation to the right of the President to cancel or modify his approval of the Code or any conditions imposed by him upon his approval thereof.

Nothing herein contained is or shall be construed to be in derogation or modification of the rights of the Secretary or the Administrator to exercise any powers granted him by the Act or otherwise and, in accordance with such powers, to act in the premises whenever he may deem it advisable.

#### ARTICLE XIV—EFFECTIVE TIME

SECTION 1. This Code shall become effective on the third day after its approval by the President.



